

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 93
98TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 17, 2015, with recommendation that the Senate Committee Substitute do pass.

0582S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to free speech at public institutions of higher education.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto one new
2 section, to be known as section 173.1550, to read as follows:

**173.1550. 1. The provisions of this section shall be known and
2 cited as the "Campus Free Expression Act". Expressive activities
3 protected under the provisions of this section include, but are not
4 limited to, all forms of peaceful assembly, protests, speeches,
5 distribution of literature, carrying signs, and circulating petitions.**

**6 2. The outdoor areas of campuses of public institutions of higher
7 education in this state shall be deemed traditional public
8 forums. Public institutions of higher education may maintain and
9 enforce reasonable time, place, and manner restrictions in service of a
10 significant institutional interest only when such restrictions employ
11 clear, published, content, and viewpoint-neutral criteria, and provide
12 for ample alternative means of expression. Any such restrictions shall
13 allow for members of the university community to spontaneously and
14 contemporaneously assemble.**

**15 3. Any person who wishes to engage in noncommercial expressive
16 activity on campus shall be permitted to do so freely, as long as the
17 person's conduct is not unlawful and does not materially and
18 substantially disrupt the functioning of the institution subject to the
19 requirements of subsection 2 of this section.**

20 4. Nothing in this section shall be interpreted as limiting the

21 right of student expression elsewhere on campus.

22 5. The following persons may bring an action in a court of
23 competent jurisdiction to enjoin any violation of this section or to
24 recover compensatory damages, reasonable court costs, and attorney
25 fees:

26 (1) The attorney general;

27 (2) Persons whose expressive rights were violated through the
28 violation of this section.

29 6. In an action brought under subsection 5 of this section, if the
30 court finds a violation, the court shall award the aggrieved persons no
31 less than five hundred dollars for the initial violation, plus fifty dollars
32 for each day the violation remains ongoing.

33 7. A person shall be required to bring suit for violation of this
34 section not later than one year after the day the cause of action
35 accrues. For purposes of calculating the one-year limitation period,
36 each day that the violation persists, and each day that a policy in
37 violation of this section remains in effect, shall constitute a new
38 violation of this section and, therefore, a new day that the cause of
39 action has accrued.

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